

MUTU12.001AUS

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Kim et al.) Group Art Unit Unknown
)
App. No.	:	10/099,781)
)
Filed	:	March 14, 2002)
)
For	:	DOUBLE-SPIRO ORGANIC COMPOUNDS AND ORGANIC ELECTROLUMINESCENT DEVICES USING THE SAME) RECEIVED JUN 06 2002 OFFICE OF PETITIONS
)
Examiner	:	Unknown)

PETITION UNDER 37 C.F.R. § 1.53(e)(2)
TO REVIEW THE NON-ACCORDANCE OF FILING DATE

United States Patent and Trademark Office
 P.O. Box 2327
 Arlington, VA 22202

Dear Sir:

Applicants hereby respectfully petition the Commissioner to review the above-captioned application for compliance with filing requirements, specifically those pertaining to the filing of drawings under 35 U.S.C. § 113 and 37 C.F.R. § 1.81, and accord the filing date of March 14, 2002 to the above-captioned application.

FACTS

The above-captioned application was deposited with the U.S. Postal Service in an Express Mail envelope on March 14, 2002, in compliance with 37 C.F.R. § 1.10. A copy of the returned postcard confirming the date of deposition by Express Mail is attached hereto as

Exhibit A.

05/31/2002 BABRAHAI 00000074 10099781

01 FC:128

130.00 00

Adjustment date: 06/07/2002 AKELLEY

05/31/2002 BABRAHAI 00000074 10099781

01 FC:128 -130.00 00

Ref: 06/07/2002 AKELLEY 00000074 10099781 \$130.00 CR
Name/Number: 10099781 \$130.00 CR

Appl. No. : 10/099,81
Filed : March 14, 2002

The specification of the above-captioned application refers to Figures 1-9 on page 8, a copy of which is attached hereto as Exhibit B. A hard copy of the drawings were inadvertently not included with the application as it was filed.

The subject matter sought to be patented in the above-captioned application are as follows:

Claims 1-22 drawn to a chemical compound;
Claims 23-24 drawn to a light-emitting material;
Claims 25-26 drawn to a hole-transporting material;
Claims 27-28 drawn to a electron-transporting material;
Claims 29-59 drawn to a solid depositions;
Claims 60-62 drawn to a method of making a solid deposition;
Claims 63-78 drawn to an organic electroluminescent (EL) device;
Claims 79-82 drawn to a method of generating visible light; and
Claims 83-88 drawn to a method of manufacturing an organic EL device.

On April 23, 2002, the Office of Initial Patent Examination (OIPE) of the U.S. Patent and Trademark Office mailed to the applicants' representative a Notice of Incomplete Nonprovisional Application. In the Notice, the OIPE informed the applicants that a filing date was not accorded to the above-captioned application because the application was deposited without drawings.

PETITION

The claims as filed do not require drawings for support. As such, the application was complete as of the original filing state.

35 U.S.C. § 113 and 37 C.F.R. § 1.81(a) require an application to include drawings if the drawings are necessary for the understanding of the subject matter sought to be patented. The M.P.E.P. instructs that the OIPE consider drawings as necessary if the application refers to the drawings in the specification. *M.P.E.P.* § 608.02, p. 600-86. It appears that since the

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specification of the above-captioned patent application refers to the drawings, the PTO deems the drawings to be necessary.

However, M.P.E.P. further instructs that an OIPE formality examiner should not treat an application without drawings as incomplete if the drawings are not required. *Id.* In this regard, M.P.E.P. notes that a drawing is not required for a filing date under 35 U.S.C. §§ 111 and 113 if the application contains: 1) at least one process claim; 2) at least one composition claim; 3) at least one claim directed to an article or product made from a particular material or composition; 4) at least one claim directed to a laminated article; or 5) at least one claim directed to an article where the sole distinguishing feature is the presence of a particular material. *Id.* Under M.P.E.P. § 601.01(f), p. 600-13, a nonprovisional application having at least one claim directed to subject matter for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification but filed without drawings, will be treated as an application filed without all the drawing as discussed in M.P.E.P. § 601.01(g), p. 600-14. For the applications filed without all figures of drawings referred to in the specification, M.P.E.P. § 601.01(g) instructs that the OIPE issue a "Notice of Omitted Items" indicating that the application have been accorded a filing date.

Applicants respectfully submit that the application as filed with the Patent Office on March 14, 2002 was complete to be accorded a filing date under 35 U.S.C. §§ 111 and 113. Applicants note that all of the claims in the above-captioned application are drawn to the subject matter for which a drawing is not required in accordance with M.P.E.P. § 608.02, p. 600-86. Claims 1-28 are composition claims; Claims 29-59 are directed to an article made from a particular material; Claims 60-62 and 79-88 are process claims; and Claims 63-78 are directed to either a laminated article or an article where the sole distinguishing feature is the presence of a particular material. Thus, the above-captioned application should have been accorded a filing date under the procedure stated in M.P.E.P. §§ 601.01(f) and (g).

Applicants therefore petition the Commissioner under 37 C.F.R. § 1.53(e)(2) to

- review the notification sent by OIPE,

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- find the above-captioned application to be complete and in compliance with the requirements of 35 U.S.C. § 113 and 37 C.F.R. § 1.81(a), and
- reinstate the filing date of March 14, 2002.

Applicants note that this petition is being filed within two months of the mailing date of the Notice, and therefore is considered a timely petition under 37 C.F.R. § 1.181(f).

CONCLUSION

Applicants respectfully petition the Commissioner to find the above-captioned application to be complete since the drawings are not necessary for the understanding of the claimed subject matter. Applicants respectfully petition the Commissioner to reinstated the filing date of March 14, 2002 for the above-captioned patent application.

A petition fee of \$130.00 pursuant to 37 C.F.R. § 1.17(h) is enclosed. If this amount is incorrect, please charge or credit Deposit Account No. 11-1410 for the correct amount.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 5/22/02

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Exhibit A

RECEIVED

JUN 06 2002

OFFICE OF PETITIONS

UTILITY/DESIGN PATENT
(application)

Date: March 14, 2002

Rec'd in the USPTO on the date stamped hereon via:

Express Mail #: EL 871 275 402 US

Docket #: MUTU12.001AUS Applicant: Kim et al.

Title: DOUBLE-SPIRO ORGANIC COMPOUNDS AND ORGANIC

VERIFIED BY: Asst: HJC Atty: PC QC: 71

- Patent Application in 110 pgs, including Specification and 88 Claims
 _____ sheets of Drawings Recordation Form Cover Sheet
 Certificate of Express Mail Assignment in 2 pgs
 Transmittal Letter POA by Assignee; copy of Assignment
 Preliminary Amendment in _____ pgs \$ 40 Check for Assignment
 Decl and Power of Atty
 Decl by Inventor(s)
 Filed Signed Unsigned
 Information Disclosure Statement; PTO-1449 w/ 34 Ref(s)
 \$ 1,964 Check for Filing Fee
 Return Prepaid Postcard
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Exhibit B

Brief Description of the Drawings

[0022] Figures 1-6 illustrate simplified cross-sectional views of various exemplary constructions of organic EL devices in accordance with the present invention.

[0023] Figure 7 is a spectrum of light emission from the organic EL device manufactured in Example 42.

[0024] Figure 8 is a spectrum of light emission from the organic EL device manufactured in Example 45.

[0025] Figure 9 is a spectrum of light emission from the organic EL device manufactured in Example 51.

Detailed Description of the Preferred Embodiment

[0026] Now the various aspects of the present invention will be discussed in more detail. It is to be understood at the outset of the description, which follows that persons of skill in the appropriate arts may modify the invention here described while still achieving the favorable results of this invention. Accordingly, the following description is to be understood as being a broad, teaching disclosure directed to persons of skill in the appropriate arts, and not as limiting upon the present invention.

Considerations for new organic EL materials

[0027] The present inventors have invented a group of new organic EL compounds. In the course of the research for new organic EL compounds, the inventors considered various factors relating to the applicability of chemical compounds to the manufacturing of organic EL devices. These factors include, among other things, electroluminescence of candidate chemical compounds, sublimability of the compounds under given manufacturing conditions, thermal stability of thin film made of the compounds, etc.

[0028] The electroluminescence of compounds is preferred although it is not always necessary for compounds to be used in organic EL devices. In order for an organic compound to generate visible light or to host another light-emitting compound, however, the organic compound needs to have its own electroluminescence. Although certain organic EL compounds have common functional groups or structural similarities, there is not a general